

Resolution #TC-2030

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for September 21 & 22, 2011 are hereby approved as published in the official agenda of the October 19 & 20, 2011 Meeting.

**Transportation Commission of Colorado
Regular Meeting Minutes
September 22, 2011**

Vice Chairman Gary Reiff convened the meeting at 9:34 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Gary Reiff, Vice Chairman, District 3
Trey Rogers, District 1
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Kimbra L. Killin, District 11

EXCUSED: Heather Barry, District 4
Steve Parker, Chairman, District 8

ALSO PRESENT: Ben Stein, CFO
Tim Harris, Chief Engineer
Heidi Bimmerle, Director of Admin & Human Resources
Mark Imhoff, Division of Transit and Rail Director
Mike Cheroutes, HPTE Director
Casey Tighe, Audit Director
Stacey Stegman, for Public Relations Director
Scott McDaniel, Staff Services Director
Dave Gordon, Aeronautics Director
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neat, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
John Cater, FHWA
Wayne Williams representing, Statewide Transportation Advisory Committee (STAC)

AND: Other staff members, organization representatives,
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

Audience Participation

Vice Chairman Reiff noted that no member of the audience had signed up to address the meeting.

Individual Commissioner Comments

Commissioner Killin reported that she attended a trip to Washington, D.C. with Mickey Ferrell and a delegation from around the state. She confirmed that the group was in support of not allowing the gas tax to expire, and other issues with respect to funding. She thanked Mickey for his organization of the trip reporting that it was very well run and that they were able to meet with every member of the Colorado delegation in Washington. She stated that she had been a speaker at the Progressive 15 Meeting and that it went well.

Commissioner Connell reported that she had attended 5 county commissioner meetings in her district that they were very informative. She offered thanks to CDOT staff for the excellent presentations they prepare and give to the rural areas in regards to the status of projects. She stated that 2 big concerns continue to come up the first is in Moffat County, Rio Blanco. She said the issue is that with gas, uranium and oil exploration and the stress it puts on the roads who is responsible for paying for these repairs. The second issue came from Meeker county Commissioners and they requested she bring the message that the access guidelines for off of the Interstate are hurtful to them because the Canyon Pintado National Historic District which is a Scenic Highway route from I-70 to Meeker can't have directional signs on I-70 because it is more than 30 miles off of the Interstate. She confirmed that CDOT Staff is looking at the concern.

Commissioner Aden said that Region 3 had been very busy and that he had attended 4 county meetings in September with Dave Eller and the Region 3 staff at Mesa, Gunnison, Garfield, and Lake Counties. Commissioner Aden reported that Dave and his staff put together a good book of information for the counties and the meetings are cordial. Commissioner Aden confirmed that these positive meetings are good for building support at the local level.

Commissioner Reiff reported that he had attended a number of regular meetings in September that he is involved in to include: E-470 Coalition and RTC and that in addition, he had attended the Aurora Chamber's Transportation Committee and gave a presentation to the group. He offered his thanks to Reza and his Region 6 staff for their help on his preparation for the meeting.

Chief Engineer Report

Chief Engineer, Tim Harris spoke about a new program being brought into CDOT for testing and that the idea of the program is that a monitor is installed in vehicles and the device tracks driving habits. He gave the following presentation:

Cartasite Pilot Program

- Program Purpose:
 - Help improve driver safety by identifying habits that could result in accidents
 - Reinforce positive driving habits, improve safety and reduce fuel consumption and vehicle emissions
 - Raise awareness and skills to improve driving at work and home
- Program Tools
 - 4 Hour defensive driving
 - Participants receive weekly reports
 - Employees receive a score card
- Program Details
 - How many: 50 Supervisors including Tim Harris, Chief Engineer
 - Time frame: August 30, 2011 through February 2012
 - Who is involved: State Fleet and the Governor's Office of Energy
 - Regions participating: Maintenance Sections in Regions 1, 4 and 6 and Tim Harris, Chief Engineer
 - Vehicle Type: ½ ton pickups and SUV (s)
 - CDOT is leading the nation: CDOT is the first State DOT to test this pilot program in the United States

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes reported that there were a few items he wanted to highlight:

- The Enterprise hosted a successful forum for the P3 Industry where 200 people from the Private Development Community attended. The forum was focused on the US 36 Project but, the interest from the audience was not only in that project but, the pipeline of projects in Colorado and how they all fit together throughout the state.
- The Enterprise Board authorized staff to move forward toward a formal evaluation of the I-70 west mountain corridor unsolicited proposal that has been being looked at. He felt they would be able to move quickly on the evaluation of the proposal.
- The C-470 Coalition is getting closer to deciding what they want to do.
- He said that he is starting to hear from Powers Boulevard people in Colorado Springs about consensus on the project down there.

FHWA Division Administrator Report

John Cater spoke on the following topics:

Bridges

This month the I-64 Bridge in Louisville, Kentucky closed for emergency repairs where there was cracking at the welds. He said that it has renewed National Attention and focus on bridges and that there is a focus on the inspection programs on fracture critical bridges. John confirmed that in Colorado, there are 3 steel arches bridges on the State system and 7 Arches on the local systems. He said that these bridges in Colorado appear to be ok and safe and there will be a reassessment of the inspection program in the state but he is optimistic that Colorado's bridges are in good shape.

American Jobs Act

\$50B in Transportation

- \$27B for Highways
- \$9B Bus and Rail Transit
- \$5B for a program similar to TIGER Grants
- \$4B High Speed Rail
- \$2B Airports
- \$2B Amtrak
- \$1B improved air traffic control system

John declared that if the bill passed, it would be a boost to Transportation.

STAC Report

Vice Chair, Wayne Williams was introduced by Commissioner Gruen, who mentioned that Wayne had served as El Paso County Clerk, County Commissioners, alternate to PPACOG, and is very knowledgeable about transportation.

Mr. Williams mentioned that he was working with Commissioners Ortiz', son who is serves as Clerk and Recorder in El Paso County and delivered the following report in regards to the STAC Meeting on Friday, September 12, 2011.

Updates

- Legislation
- Resident Survey
- North Front Range
- Transit and Rail

Most of the Focus on Budget Issues

Mr. Williams confirmed that the new budget format brought some questions but it provides a better picture of where the money goes to a general member of the public. He mentioned that STAC requested a list from CDOT staff of strategic projects ready to go and the list was provided containing projects totaling \$335M. He declared that there was a vigorous conversation of what to do with the Additional Funds that CDOT Staff had identified and that many things proposed:

Strategic corridor projects of Twin Tunnels and Colorado Springs

- Recognized that the corridors are still critical
- Discussed how to allocate the funds
 - Take them off of the top to leave funds for the rest of the region that the projects are in

Surface Treatment

Regional Priority Projects

Mr. Williams recognized that all of the STAC's discussed priorities had been discussed by the Transportation Commission at the Budget Workshop on Wednesday, September 21, 2011 and he mentioned that the STAC was in support of the direction that the discussion had taken.

Committee Reports

AUDIT COMMITTEE

Commissioner Killin delivered the following report in regards to the Audit Committee Meeting on September 21, 2011:

Committee elected Kim Killin Chair of the Committee

The Committee approved a report on the CDOT property management section. The audit identified some weaknesses in the way building projects are managed.

Specifically the audit found:

- there were too many change orders on the projects
- price justifications on the change orders were not complete or thorough
- contractors were allowed to work before contracts were in place

CDOT managers responded that they will address each of these issues and improve contract management.

We reviewed the audit recommendation tracking report. In an effort to reduce the number of outstanding audit recommendations, management has selected five outstanding recommendations to focus on implementation. As those recommendations are implemented additional recommendations will receive this attention.

Staff indicated that the AASHTO Audit conference was a success and a special shout out goes to Stacy and Reza for their outstanding presentations.

DBE Committee

Commissioner Ortiz gave the following report of the DBE Committee Meeting on September 21, 2011:

Disadvantaged Business Enterprises (DBE) Committee
Wednesday, September 21, 2011

- The DBE Committee met late yesterday afternoon.

- The major focus of our meeting was to review the new Emerging Small Business Program Guidelines.
- Our Committee is pleased with the improvements and recommends approval of the Guidelines by the full Commission later on today's agenda.
- The staff also gave an update on DBE participation. As of July 2011, DBE participation is at 14%.
- Our Committee is looking forward to having newly appointed members from the Commission at our next meeting.

Act on Consent Agenda

Vice Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Aden moved for approval of the item. Commissioner Rogers seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Consent Agenda was unanimously approved.

Approve the Special & Regular Meeting Minutes of August 17 & 18, 2011

Resolution #TC-2018

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of August 17 & 18, 2011 are hereby approved as published in the official agenda of the September 22, 2011 meeting Agenda.

Resolution to approve the Policy Amendment Number 3 for the FY12 -FY17 STIP

Resolution #TC-2019

Resolution to Approve STIP Policy Amendment Package for Amendment #3

Approved by the Transportation Commission on: September 22, 2011

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2012 - 2017 Statewide Transportation Improvement Program (STIP) in May, 2011; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

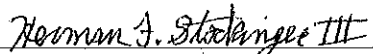
WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for Amendment #3 was provided from August 18, 2011 through September 21, 2011, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve these policy amendments to the STIP, which are detailed in the attached table, and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #3 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.



Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to Approve an Addition to the Approved over \$50,000 project list

Resolution #TC-2020

Addition to the Approved over \$50,000 project list

Approved by the Transportation Commission on: September 22, 2011

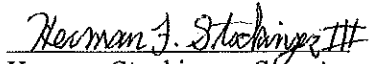
WHEREAS, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

WHEREAS, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

WHEREAS, CDOT staff have prepared a cost estimate for this project to be done in Fiscal Year 2012 as detailed in the memorandum entitled, September addendum to Fiscal Year 2012 Projects by Maintenance Forces Requiring Transportation Commission Approval dated September 6, 2011; and

WHEREAS, the funding for these projects is contained in the Fiscal Year 2012 Budget.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has reviewed the cost estimates, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the projects therein.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Region 6 – Denver

Highway	Begin MP	End MP	Type	Estimated Cost
6	283.86	284.48	Mill & Fill	\$150,000.00
			State Total	\$150,000.00

**Resolution to approve Amendment to 2035 Statewide Transportation Plan
incorporating the North Front Range Metropolitan Planning Organization 2035
Regional Transportation Plan Update**

Resolution #TC-2021

Amendment to 2035 Statewide Transportation Plan incorporating the North Front Range Metropolitan Planning Organization 2035 Regional Transportation Plan Update

Approved by the Transportation Commission on: September 22, 2011

- WHEREAS,** the Colorado Transportation Commission (the Commission) has statutory authority pursuant to 43-1-106 to approve, accept, and amend various planning documents resulting from 23 U.S.C. 135 and 43-1-1101 through 1105 C.R.S.;
- WHEREAS,** the Commission and the Colorado Department of Transportation (CDOT) in coordination with its planning partners have developed a 2035 Statewide Transportation Plan Amendment, that supplements the 2035 Statewide Transportation Plan Moving Colorado: Vision for the Future; and,
- WHEREAS,** Transportation Commission Resolution 1842 provided approval of the 2035 Statewide Transportation Plan Amendment approach to include new information and accommodate the federally required MPO long-range plan updates, while retaining the fiscal control totals for the planning period, and support development of the 2012-2017 STIP; and,
- WHEREAS,** Transportation Commission Resolution 1989 adopted the 2035 Statewide Transportation Plan Amendment; and,
- WHEREAS,** Transportation Commission Resolution 1989 incorporated the Denver Regional Council of Governments, Grand Valley Metropolitan Planning Organization, and Pueblo Area Council of Governments adopted 2035 Regional Transportation Plan updates into the Statewide Transportation Plan Amendment; and,
- WHEREAS,** the North Front Range Metropolitan Planning Organization has developed a 2035 Regional Transportation Plan update addressing a 20-year planning horizon in accordance with the requirements of 23 C.F.R. 450.300, et, seq.; and,
- WHEREAS,** the North Front Range Transportation and Air Quality Planning Council adopted the 2035 Regional Transportation Plan update on September 1, 2011; and,

THEREFORE, be it resolved that the Transportation Commission hereby approves the incorporation of the North Front Range Metropolitan Planning Organization 2035 Regional Transportation Plan update into the 2035 Statewide Transportation Plan Amendment.


Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to Approve the Master Calendar for 2012

Resolution #TC-2022
Approval of the 2012 Master Calendar

Approved by the Transportation Commission on: September 22, 2011

BE IT HEREBY RESOLVED, that the 2012 Master Calendar of the Transportation Commission of Colorado is hereby approved as contained in the official agenda of September 21 & 22, 2011.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Resolution to approve the declaration of excess property in Larimer County

Project Code: 17081
Location: CR 70 & I-25
Parcel No. 1X
County: Larimer

RESOLUTION #TC-2023

Approved by the Transportation Commission on: September 22, 2011

WHEREAS, the Colorado Department of Transportation acquired Parcel 1 of Project 17081 in August, 2010 to be used for the construction of a new maintenance site;

WHEREAS, Parcel 1 is a 12.354 acre parcel in the NW ¼ of Section 15, Township 9 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado;

WHEREAS, Parcel 1X is approximately 20 foot wide strip along the southern property boundary of Parcel 1 containing a total area of 0.632 acres (27,532 square feet);

WHEREAS, Larimer County has requested to purchase parcel 1X from CDOT for the purposes of widening the North Poudre Canal;

WHEREAS, CDOT acquired Parcel 1 for \$.37 per square foot in August, 2010;

WHEREAS, CDOT will sell Parcel 1X to Larimer County for the same \$.37 per square foot;

WHEREAS, the sale of Parcel 1X will not affect the design, construction or utility of the future CDOT maintenance facility at this location;

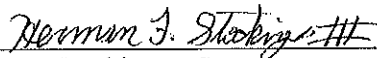
WHEREAS, the Department of Transportation, Region 4, recommends that the property described as 1X of Project 17081 be declared excess property and no longer needed in the foreseeable future;

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel 1X is no longer for maintenance site purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 1X is no longer needed for maintenance site purposes;

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 1X of Project 17081 as shown in Exhibit A and contained in the official agenda containing .0632 acres more or less.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Discuss and Act on the 4th Budget Supplement

Laurie Freedle mentioned that there was a walk on item not show in the Commission Agenda Packet:

- \$1.95M from the Contingency Reserve for a property project

She also asked to call attention to a couple of items:

- \$2M for Beetle Kill which had been discussed
- \$1.2M Glenwood Bike Path more information and pictures could be provided if the Commission wished
- Funding to the Division of Transit and Rail as discussed

Laurie stated that funding these items leave the Contingency Fund Balance at \$58M. Commissioner Aden stated that he had asked the question if the balance needs to remain at this high of a level and Laurie answered that with the lower amount of funds available in the Regional Priority Programs and that activity that has been seen, and the volatility of Federal Funding levels that staff feels the balance is appropriate.

Commissioner Killin made a motion for approval of the Budget Supplement. Vice Chairman Reiff stated that Commissioner Connell had seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Budget Supplement was unanimously approved.

Resolution #TC-2024

Approval of the 4th Budget Supplement

BE IT RESOLVED THAT, the 4th Supplement to the Fiscal Year 2011-2012 Budget be approved.

Discuss and Act on the Resolution for approval of the STIP Amendment Process

Ben Stein reported that the intent of the Resolution is that in regards to discussion that comes up often is whether or not an item is regionally significant and that that point drives whether an item needs to go through the STIP or through a policy amendment process. He confirmed that the Resolution would streamline the process and allow more items to be processed administratively which takes less time. Ben asked if the Commission had any questions on the item.

Vice Chairman Reiff stated that a motion would be entertained to adopt the Resolution. Commissioner Ortiz moved for approval of the item. Commissioner Connell seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-2025

Resolution to Approve STIP Amendment Process Guidelines

Approved by the Transportation Commission on: September 22, 2011

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2012 – 2017 Statewide Transportation Improvement Program (STIP) in May, 2011; and

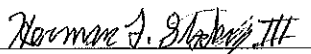
WHEREAS, the STIP is amended due to changes in project funding, scope or priority, thereby requiring guidance be set in place for processing such amendment to the STIP ; and

WHEREAS, CDOT staff has developed the STIP Amendment Process Guidelines to assist CDOT Region Planners, Engineers, and planning partners in submitting various amendments to the Office of Financial Management and Budget for review and approval; and

WHEREAS, CDOT would like to revise these guidelines to provide added efficiency and flexibility, allowing projects to move forward more quickly while still complying with federal guidelines;

WHEREAS, it is requested that the Transportation Commission approve these revised STIP Amendment Process Guidelines.

NOW, THEREFORE, BE IT RESOLVED, the attached revised STIP Amendment Process Guidelines be approved.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Discuss and Act on Resolution for approval of the Energy Performance Contracting

Ben Stein requested that Heidi Bimmerle join him in introducing the Proposed Resolution. Heidi stated that Johnson Controls had done an Extensive Technical Energy Audit and that they looked at structures throughout the State and developed a scope of work. She confirmed that following the audit, CDOT staff had worked with Johnson Controls to develop a reasonable scope with very sensible improvements for energy efficiency that is projected to amount to \$675,000 in savings per year. Heidi confirmed that alternative methods of financing for the project have been explored and that staff is not looking at traditional methods of Energy Performance Contracting because of an extraordinary economic environment for financing. Heidi turned the discussion over to Ben Stein who said that the Resolution shows two Options. He said that the first Option allows for the Commission to approve that the funds for the Energy Contract be drawn from the Commission Contingency Fund and that Option two states that staff would seek financing for the improvements and that he recommended Option Two. Ben declared that the options will save money in energy efficiency and that in addition there is additional savings to staff time and items such as more efficient light bulbs. He stated that there is legislation that allows the State Treasury to issue Certificates of Participation and that a CDOT building would be identified to use for collateral and then it would go into the market. He stated that he would secure a private placement loan for 10 to 12 years at below 2% interest. Ben confirmed that in a conversation with the Governor's energy office, they mentioned that Qualified Energy Conservation Bonds would possibly be issued which would drive the interest rate even lower. Commissioners Gruen and Reiff questioned whether Ben meant to recommend Option 1 as it is the Option that suggests the Certificates of Participation and Ben stated that he was recommending Option 1.

Vice Chairman Reiff asked if there were any questions and there being none, he asked for a motion on the item. Commissioner Rogers motioned for approval of the Resolution using OPTION 1 and Commissioner Gilliland seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-2026

Authorizing CDOT to Execute an Energy Savings Performance Contract

Approved by the Transportation Commission on: September 22, 2011

WHEREAS, CDOT entered into a Technical Energy Audit Contract and Project Proposal with Johnson Controls, Inc., dated December 17, 2009 pursuant to the authority contained in C.R.S. 24-30-2001, et seq.; and

WHEREAS, Johnson Controls, Inc., pursuant to the Technical Energy Audit Contract, analyzed all of CDOT's facilities consisting of over 1000 structures and concluded that by investing approximately \$8.2 million in its most critical energy efficiency needs, CDOT will reduce its energy consumption in the specifically identified facilities by 22% annually with over \$675,000 in guaranteed annual energy savings; and

WHEREAS, Johnson Controls, Inc. as part of the Technical Energy Audit Contract made a Project Proposal to CDOT for upgrading its energy efficiency consistent with the paragraph above; and

WHEREAS, CDOT is legislatively authorized to enter into a Utility Cost Savings Contract following completion of the Technical Energy Audit with the costs of making these improvements ultimately recaptured through annual energy cost savings.

WHEREAS, CDOT is further authorized, in cooperation with the Governor's Energy Office, the Office of State Planning and Budgeting and the Treasurer's Office, pursuant to C.R.S. 24-38.5-106, to enter into lease-purchase agreements for the purpose of generating proceeds and financing the costs of a Utility Cost Savings Contract.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes CDOT to enter into a Utility Cost Savings Contract with Johnson Controls, Inc. to implement approximately \$8.2 million in energy efficiency upgrades with a \$290,000 contingency for a total maximum contract amount of approximately \$8.5 million and further authorizes CDOT to pursue with the Governor's Energy Office, OSPB and the State Treasurer's Office the execution of a lease-purchase agreement for the purpose of generating proceeds to finance the cost of the Utility Cost Savings Contract with Johnson Controls, Inc. which lease-purchase agreement shall also include the costs of issuing lease-purchase financing.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

Discuss and Act on Resolution in accordance with Senate Bill 37 to approve Prioritization of Railroad Corridors for preservation

Mark Imhoff declared that one of the many things that CDOT does is monitor the status of Railroads throughout the state and prepare a report for the TLRC for potential Rail Line Acquisitions and that three priorities were identified for the proposed report as follows: To Administer the conclusion of the Towner Line contract held with V&S Railroads; Monitor the status of the Tennessee Pass Line; Monitor the status of the Fort Collins Branch. He stated that he was present to seek approval for of the report for submission to the TLRC.

Vice Chairman Reiff asked if there were any questions and there being none, he stated that the Chair would entertain a motion with regard to Item 14. Commissioner Connell motioned for approval of the Resolution and Commissioner Aden seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Resolution was unanimously approved.

Resolution # TC-2027

SB 37 Report to the TLRC for Prioritization of Railroad Corridors for Preservation

Approved by the Transportation Commission of on: September 22, 2011

WHEREAS, the abandonment of rail lines in Colorado is considered to be of statewide importance because of the impacts these abandonments may have on local communities and, as well as the "market", including shippers, receivers and consumers; and

WHEREAS, the Transportation Commission of Colorado has been given statutory responsibility by the State for approving the acquisition of rail lines or railroad right-of-way under C.R.S. 43-1-1303(2); and

WHEREAS, the Colorado Department of Transportation has identified a list of criteria for prioritization of rail corridors for preservation in a Rail Corridor Preservation Policy dated June 22, 2000; and

WHEREAS, preliminary analysis has been performed by the Colorado Department of Transportation staff to determine which rail lines are in jeopardy of being lost due to potential abandonment; and

WHEREAS, the Department has responded to the provisions set forth in Senate Bill 09-094 by implementing the creation of the Division of Transit and Rail who shall, in coordination with other transit and rail providers, plan, promote, and implement investments in transit and rail services statewide ; and

WHEREAS, the Department will continue its participation on the DUSPA Board with RTD, DRCOG, and the City and County of Denver in the implementation of the master plan developed for Denver Union Station for its use as a major multimodal transportation hub; and

WHEREAS, the Department is, in conjunction with other interested parties, is conducting a State Freight and Passenger Rail Plan, the Colorado Interregional Connectivity Study and an Advanced Guideway Feasibility Study as a means of better planning passenger and freight rail improvements into the future; and

WHEREAS, the lease purchase agreement with the Towner Line will be concluded; and

WHEREAS, C.R.S. 43-1-1303(3) requires the Executive Director of CDOT to submit a prioritized list of proposed railroad acquisitions and their proposed uses to the Transportation Legislative Review Committee; and

WHEREAS, the Division of Transit and Rail has examined rail lines that meet the preservation criteria that have been abandoned, or have been proposed to be abandoned, during the past year and determined that none were Rail Corridors of Statewide Significance, and

WHEREAS, there are no rail lines of statewide significance that are at immediate risk of abandonment and in need of acquisition; and

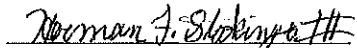
WHEREAS, the Transportation Commission wishes to keep the TLRC informed of rail activities that could impact rail service in the State.

NOW THEREFORE BE IT RESOLVED, the Executive Director is hereby directed to submit the following list of recommendations to the Transportation Legislation Review Committee:

The first priority is to administer the purchase of the Towner line or offer the line for lease/purchase if current rights are not exercised. If Victoria and Southern (V&S) notifies CDOT of its intent to sell or abandon the line the appropriate steps will be taken the legislative intent of Section 43-1-1307, C.R.S.

The second priority is to monitor the status of the Tennessee Pass line. While there is no indication that the UP will abandon this line in the near future, the line has not been used for over fourteen years. If this line is abandoned, the State should purchase it to preserve it for freight service in the future.

The third priority is to monitor the status of the Fort Collins Branch line. While this line does not appear to be at risk of abandonment at this time, it is identified as a rail corridor of state significance since it connects Greeley and Ft. Collins to the North I -25 Corridor.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Discuss and Act on Resolution for the approval and adoption of the General Rules of Practice and Procedure Before the Transportation Commission of Colorado

Casey Tighe stated that a hearing had been held and that he had found that, at the hearing, the requirements of the Administrative Procedures Act had been followed. He confirmed that there were no members of the Public in attendance at the hearing and that he would ask for the Commission's approval of the item as shown in the Agenda Packet.

Vice Chairman Reiff asked if there were any questions and there being none, he asked for a motion on the item. Commissioner Killin motioned for approval of the Resolution and Commissioner Gruen seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Resolution was unanimously approved.

Resolution # TC -2028

**Adoption of the Revisions to the General Rules of Practice and Procedure
Before the Transportation Commission of Colorado, 2 CCR 601-11**

**Approved by the Transportation Commission of Colorado on September
22, 2011**

WHEREAS, § 43-1-106(6) and § 43-1-106(8)(k) C.R.S. (2010) authorize the Transportation Commission of Colorado (the "Commission") to adopt rules in relation to its meetings and the transaction of business; and

WHEREAS, the current Commission rules were last adopted in 1991; and

WHEREAS, on July 21, 2011, the Transportation Commission approved Resolution Number TC- 2007 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing, prepare a complete record of the hearing, and confirm the Department's compliance with the State Administrative Procedure Act; and

WHEREAS, the rulemaking hearing was conducted on August 31, 2011, and the Administrative Hearing Officer made a complete procedural record of the hearing; and

WHEREAS, the recommended changes to the existing rules are based upon the evidence presented at the hearing; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has considered the record and the recommended decision of the Administrative Hearing Officer.

BE IT FURTHER RESOLVED, the Transportation Commission hereby adopts the recommended decision of the Administrative Hearing Officer, making it a final agency decision and adopting all changes to the Rules as prescribed in the record.



Herman Stockinger, Secretary
Transportation Commission of Colorado

**Discuss and Act on the Resolution for the Adoption of the ESB Program
Guidelines**

Heidi Bimmerle stated that in June 2011 the Rules for the ESB Program had been approved and that the Rules required that Guidelines be developed for the operational level of the ESB program. She stated that the Guidelines were provided in the Packet and asked if there were any questions on the item and stated that if there weren't any questions that she would request approval of the Resolution.

Vice Chairman Reiff asked if there were any questions and there being none, he asked for a motion on the item. Commissioner Ortiz motioned for approval of the Resolution and Commissioner Gilliland seconded the motion. The Vice Chair asked if there was any further discussion on the item, hearing none he asked that all those in favor signify by stating I. He declared that if there were any opposed to signify by stating nay. He asked if there were any abstentions and there being none, on a vote of the Commission, the Resolution was unanimously approved.

Resolution #TC-2029

Adoption of the Rules for the ESB Program

Approved by the Transportation Commission on: September 22, 2011

WHEREAS, Section 43-1-106(8)(p)(I) C.R.S., authorizes the Transportation Commission of Colorado (the "Commission") to adopt rules and regulations to establish an emerging small business program to promote the participation of small business on CDOT construction, professional services and practice of research contracts; and

WHEREAS, in June 2011, the Commission adopted updated rules governing the administration of the Emerging Small Business (ESB) Program (the "Rules"); and


WHEREAS, the Rules state that CDOT shall have the power and authority to adopt additional ESB Program Guidelines (the "Guidelines") to effectuate the purpose, procedures and operations of these Rules; and

WHEREAS, the Colorado Department of Transportation ("CDOT") Center for Equal Opportunity (the "CEO") is the current administrator of the ESB Program; and

WHEREAS, the CEO has developed such Guidelines to outline the processes and procedures necessary to administer the ESB program so that it increases the opportunities for emerging small businesses to compete on CDOT construction, professional services and research contracts; and

WHEREAS, the CEO has submitted the Guidelines to the Commission and the Commission agrees with such Guidelines; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission adopts such Guidelines and authorizes staff to take all necessary actions in order to effectively implement the Guidelines based upon the program framework outlined in the Rules.


Herman Stockinger, Secretary
Transportation Commission of Colorado

Acknowledgements

Vice Chairman Reiff quipped that it was interesting placement at the end of the Agenda during Acknowledgements for there to be recognition of new employees and that he would welcome aboard Gary Vansuch, Director of Process Improvement;

Kerrie Neat, Region 5 Transportation Director and Tom Wrona, Region 2 Transportation Director. Commissioner Killin mentioned that she wanted to recognize and acknowledge the great effort work that Melissa Nelson had done as she would be missed as she goes on to her next endeavor.

Other Matters

Vice Chairman Reiff confirmed that the Transportation Commission had resumed taking Road Trips and that the October meeting would be held in Breckenridge and that the trip would include a tour of I-70, Highway 9 and the Eisenhower Tunnel. He reported that Legislators and County Commissioners would be joining the tour and that the Chairman of the Transportation Commission was very glad that the Road Trips had resumed.

Adjournment

Vice Chairman Reiff announced that the meeting was adjourned at 10:19 a.m.

A handwritten signature in dark ink, appearing to read "Herman F. Stockinger II", is written over a horizontal line.

Herman Stockinger, Secretary
Transportation Commission of Colorado